

ZONING VARIANCE INFORMATION

City of Duluth

All permits approved by the Building Safety Division must comply with the regulations of the zoning code - Duluth City Code, Chapter 50 (or if applicable, the sign ordinance - Duluth City Code, Chapter 44). If an applicant cannot comply with these regulations because of some special physical condition on their lot, a zoning appeal for a variance may be filed with the Building Safety Division to allow the applicant to present their case before the Board of Zoning Appeals.

VARIANCE REQUIREMENTS:

The Board of Zoning Appeals may grant variances under certain strict limitations which are specified in Section 50-47 of the Duluth City Code, and can be summarized as follows:

1. There must be some **EXTRAORDINARY PHYSICAL CONDITION** which applies to the property which would prevent reasonable compliance with the requirements; (the plight of the landowner is due to circumstances unique to their property and not created by the landowner) and,
2. A variance must be necessary to exercise a **SUBSTANTIAL PROPERTY RIGHT** and cannot be granted merely as a convenience to the applicant; (economic considerations alone shall not constitute a hardship) and,
3. There must be no unreasonable negative **NEIGHBORHOOD EFFECTS**.

It is the applicant's responsibility to present evidence regarding **EACH** of these conditions. The board must be able to state the reasons for granting or denying a variance. It is also important to note that a zoning variance cannot be used to circumvent the more formal procedures required to change the zoning category of land (rezoning petition).

FILING AND HEARING PROCEDURES:

An application form, signed by the applicant (property owner or their authorized agent), an accurate site plan and any relevant drawings and a filing fee of **\$125.00** (check made payable to the City of Duluth) are filed with the Building Safety Division, Room 210, City Hall. The Board of Zoning Appeals is a citizen board appointed by the Mayor and the City Council which meets monthly, generally on the morning of the **4th Tuesday of the month**. A calendar is available upon request. The board must send notice of public hearing regarding the appeal to the owners of property within 100 feet of the property in question. Consequently, the Building Safety Division must receive the application at least 18 days prior to the scheduled meeting. The Board visits the properties in question and reviews written reports from its secretary. The applicant or their representative is encouraged to appear at the board's meeting to answer any questions of the board. After all public input has been heard, the board conducts their deliberation session. The deliberation session is open to the public, however no public input is allowed at that time. The applicant will be sent a written action of the board within two or three business days.

Action taken by this board shall be final unless within ten (10) days of mailing of their action, a further appeal is filed with the Building Official by any person aggrieved or by any officer, agency, department, board or bureau of the city affected by such decision an appeal, addressed to the City Council, stating the grounds upon which further appeal to the City Council is desired. However, the City Council is also required to make the findings as stated above. Your permit may be procured from the Building Safety Division only after the ten (10) day period stipulated immediately above has expired.

DRAWINGS:

Drawings must be legible and drawn to an accurate scale. A site plan is required with all variance applications. (See Building Safety policy for site plans and sample drawings.) NOTE: A survey will be required to be filed for proof of compliance with the variance granted prior to the issuance of a building permit.

ZONING VARIANCE APPLICATION BOARD OF ZONING APPEALS

Date: _____

Address/Location of property requesting variance _____

Variance Applicant (circle one): Owner / Proposed Owner / Agent / Contractor / Architect

Property Owner Name _____ Daytime Phone # _____

Property Owner's Signature _____

Mailing Address _____

Applicant's Name _____ Daytime Phone # _____
(if different than owner)

Mailing Address _____

Applicant's Signature _____

VARIANCE REQUESTED:

Describe the variance requested: (Example: Relax required rear yard setback from 25' to 15'.)

LEGAL DESCRIPTION OF PROPERTY: _____

PROJECT DESCRIPTION: (Describe proposal in detail and attach accurate drawings.)

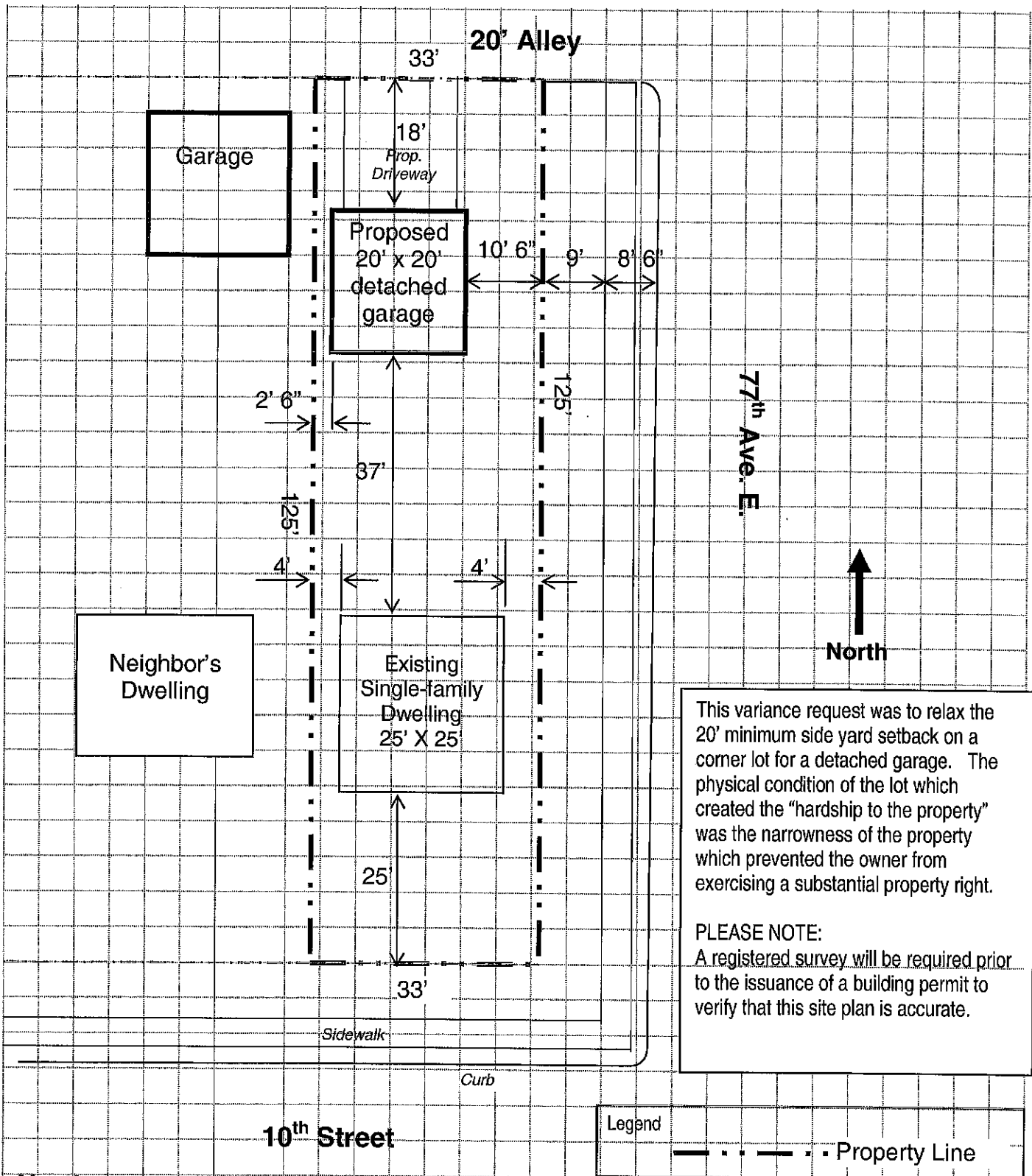
VARIANCE REQUIREMENTS:

Describe the **extraordinary physical condition** which applies to the property. What extra-ordinary physical condition applying only to your property would prevent you from following the regulations of the zoning code:

A variance must be necessary to exercise a **substantial property right**, and cannot be granted merely as a convenience to the applicant. What substantial property right would you lose if the variance is not granted? What alternatives do you have if the variance is not granted?

There can be no unreasonable **neighborhood effects**. Why do you feel the granting of the variance will not result in problems of fire safety, street congestion, loss of view, nor otherwise reduce the values of nearby properties?

OTHER COMMENTS: If you desire to submit additional information, feel free to write on the back of this form or attach a narrative.



This variance request was to relax the 20' minimum side yard setback on a corner lot for a detached garage. The physical condition of the lot which created the "hardship to the property" was the narrowness of the property which prevented the owner from exercising a substantial property right.

PLEASE NOTE:

A registered survey will be required prior to the issuance of a building permit to verify that this site plan is accurate.

North arrow required
Scale: 1"=20 feet

EXAMPLE SITE PLAN

Site Address 7630 E. 10th Street

Owner's Name John Johnson

This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property

Applicant's Signature

Date

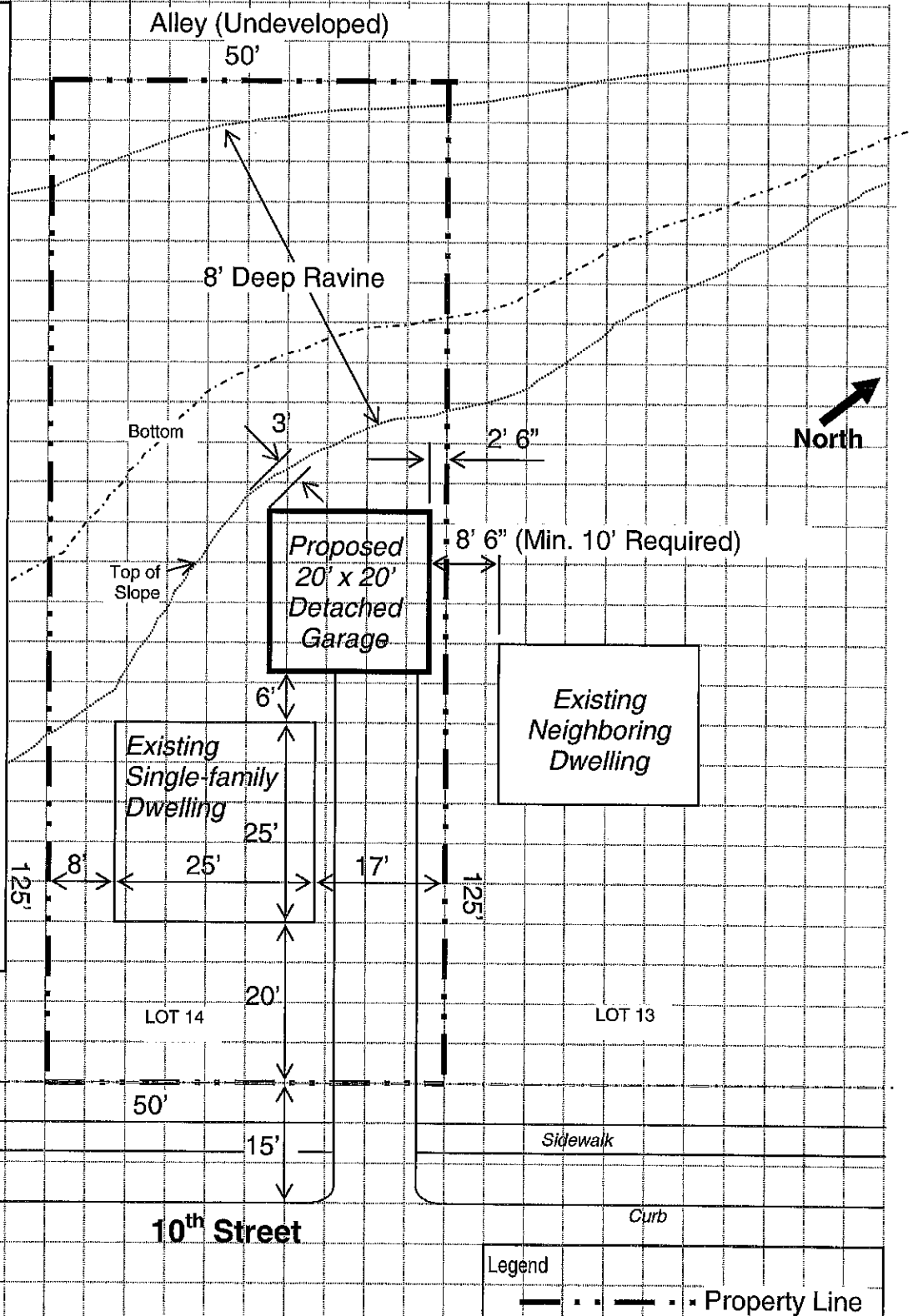
Legal Description

Required

Lot 1, Block 2

City Acres 3rd Division

This variance request was to relax the 10' minimum setback requirement from the neighbor's dwelling for the construction of a 20' x 20' detached garage. The physical condition of the lot which created the hardship to the property was an 8 foot deep ravine. This ravine prevented compliance with the setback for a reasonable property use. The applicant also provided a separate cross section drawing showing the slope of the ravine and its relationship to the proposed garage to give evidence of the need for a variance. Instead of the cross sectional drawing, topography could be shown using contour lines on the site plan. PLEASE NOTE: A registered survey will be required prior to the issuance of a building permit to verify that this site plan is accurate.



North arrow required
Scale: 1"=20 feet

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Site Address 7630 E. 10th Street

Owner's Name John Johnson

This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property

Applicant's Signature

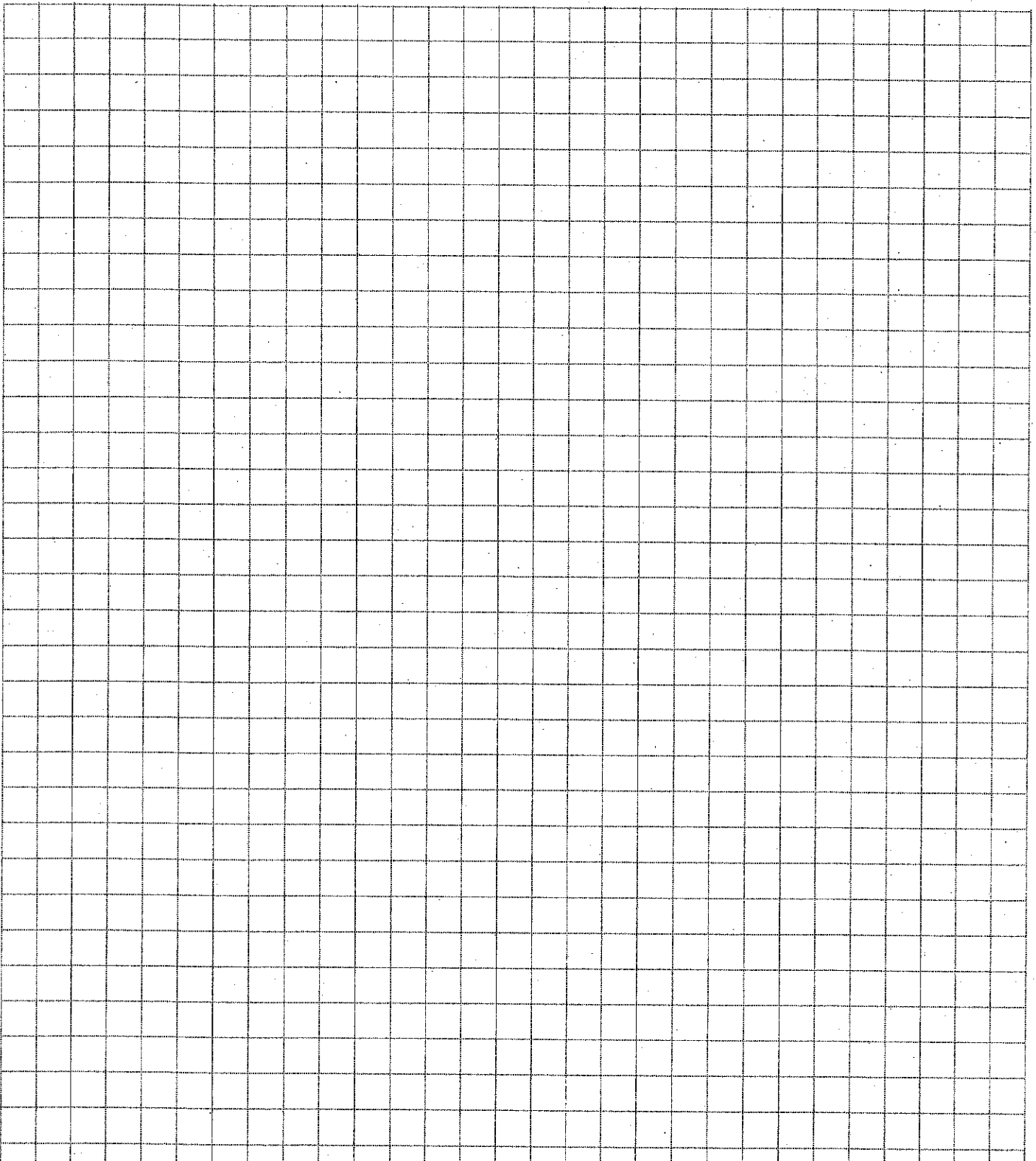
Date

Legal Description

Required

Lot 14, Block 2

City Acres 3rd Division



North arrow required
Scale: 1"= _____ feet

SITE PLAN

Grid is 4 squares per inch
DO NOT USE PENCIL

Site Address

Owner's Name

This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property

Applicant's Signature

Date

Legal Description

Required